

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
The Development of Operational,)	WT Docket No. 96-86
Technical and Spectrum Requirements)	
For Meeting Federal, State and Local)	Third Notice of Proposed Rulemaking
Public Safety Agency Communication)	
Requirements Through the Year 2010)	

**JOINT COMMENTS
OF
AMERICAN ASSOCIATION OF
STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
FORESTRY CONSERVATION COMMUNICATIONS ASSOCIATION,
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES,
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION, AND
NATIONAL ASSOCIATION OF STATE FORESTERS**

The American Association of State Highway and Transportation Officials ("AASHTO"), the Forestry Conservation Communications Association ("FCCA"), the International Association of Fire Chiefs, Inc. ("IAFC"), the International Association of Fish and Wildlife Agencies ("IAFWA"), the International Municipal Signal Association ("IMSA") and the National Association of State Foresters ("NASF") (collectively referred to herein as "Joint Commenters"), by their attorneys, hereby respectfully submit these Comments in response to the Third Notice of Proposed Rulemaking in the above-styled proceeding.^{1/}

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^{1/} 67 Fed. Reg. 58645 (Nov. 2, 1998), date for comments extended, 64 Fed. Reg. 1003
(continued...)

I. PRELIMINARY STATEMENT

The Joint Commenters submitted both Comments and Reply Comments in response to the Second Notice of Proposed Rulemaking, and also jointly filed a Petition for Reconsideration of the First Report and Order in this proceeding. The interests of the respective organizations are reflected in the Comments filed in response to the Second Notice in this proceeding on October 21, 1996, and will not be repeated herein, other than to note that the Joint Commenters represent management of state and local government agencies responsible for emergency medical service, fire, forestry and highway public safety functions.

The Joint Commenters are members of the National Public Safety Telecommunications Council ("NPSTC"), which also is filing comments in response to the Commission's Third Notice of Proposed Rulemaking. This separate statement by Joint Commenters is intended to elaborate upon the issues addressed in the comments of NPSTC.

II. COMMENTS

The principal focus of the Third Notice concerns the use and licensing of the 8.8 MHz of reserve spectrum from the 24 MHz of spectrum in the 700 MHz band allocated for public safety services. The Commission poses the issues of whether the reserve spectrum should be managed

¹(...continued)
(Jan. 7, 1999).

through the Regional Planning Committee process, and whether the spectrum should be allocated directly to each state to meet statewide public safety requirements. NPSTC calls for planning and coordination with regard to the 8.8 MHz of reserve spectrum, and for preservation of use for a fixed period of time for states for statewide systems.

The Joint Commenters in response to the Second Notice of Proposed Rulemaking endorsed a state-by-state rather than a regional planning process. Notwithstanding the problems experienced in the regional planning process for the 800 MHz band public safety frequencies, the Commission nonetheless adopted a regional planning process for 700 MHz. The FCC allows, however, states included within a multi-jurisdiction Regional Planning Committee to opt out and form their own state 700 MHz planning committee. The Federal Law Enforcement Wireless Users Group ("FLEWUG") in a petition for reconsideration of the First Report and Order has asked the Commission to reform the regional planning process to rely upon statewide planning committees.

In light of the foregoing, the Joint Commenters support the Commission's proposal to designate the 8.8 MHz of reserve spectrum for statewide systems and state planning, including shared use with political subdivisions. Since the 15.2 MHz of spectrum covered by the First Report and Order will be available to public safety agencies which are not part of a statewide system or plan, the Joint Commenters believe, consistent with the NPSTC suggestion for preservation of reserve (8.8 MHz) spectrum for state planning and use for a limited time, that this spectrum be maintained for a period of five years following the full availability of the 15.2 MHz

of spectrum within the band. If, or to the extent, not utilized by the state, or subject to a state plan for implementation, at the end of that time the reserve spectrum should default to the planning process utilized for the 15.2 MHz of spectrum covered by the First Report and Order. This recommendation is based upon expressions of interest in establishing 700 MHz band statewide systems by member organizations of the Joint Commenters.

Finally, Joint Commenters also herewith supplement the comments of NPSTC concerning Y2K notification. Regarding the Commission's suggestion concerning frequency coordinators provide Y2K notification, NPSTC observes that the coordinators generally are in contact with public safety agencies only during the time of the coordination process. The Joint Commenters further note there may be an organizational element with regard to the appropriateness of the frequency coordinators serving as a conduit for Y2K information. Namely, the coordinators generally deal with communications system management personnel. On the other hand, in many organizations the Y2K issue is administered through a management information department, which may be part of a different branch within the public safety service or even a different branch of the broader governmental entity than those responsible for communications services. Accordingly, the frequency coordinators may not have contacts in the appropriate department of the public safety organization relevant to the Y2K issues.

WHEREFORE, THE PREMISES CONSIDERED, the Joint Commenters respectfully request the Federal Communications Commission to implement the 8.8 MHz of reserve 700 MHz band spectrum for state use and otherwise to dispose of the issues raised in the Third

Notice of Proposed Rulemaking, in accordance with the foregoing Comments and those of the National Public Safety Telecommunications Council.

Respectfully submitted,

**AMERICAN ASSOCIATION OF STATE HIGHWAY
AND TRANSPORTATION OFFICIALS**

**FORESTRY CONSERVATION COMMUNICATIONS
ASSOCIATION**

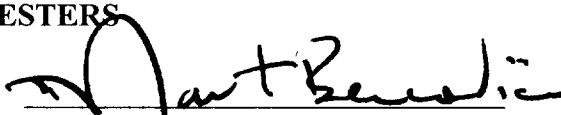
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**NATIONAL ASSOCIATION OF STATE
FORESTERS**

By:

A handwritten signature in black ink, appearing to read "Martin W. Bercovici", written over a horizontal line.

Martin W. Bercovici

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